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SENATE

{ REPORT  
108-370

### MONTANA NATIONAL FORESTS BOUNDARY ADJUSTMENT ACT OF 2004

SEPTEMBER 28, 2004.—Ordered to be printed

Mr. DOMENICI, from the Committee on Energy and Natural  
Resources, submitted the following

### R E P O R T

[To accompany S. 2408]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 2408) to adjust the boundaries of the Helena, Lolo, and Beaverhead-Deerlodge National Forests in the State of Montana, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Montana National Forests Boundary Adjustment Act of 2004”.

#### SEC. 2. DEFINITIONS.

In this Act:

(1) FORESTS.—The term “Forests” means the Helena National Forest, Lolo National Forest, and Beaverhead-Deerlodge National Forest in the State of Montana.

(2) MAP.—The term “map” means—

(A) the map entitled “Helena National Forest Boundary Adjustment Northern Region, USDA Forest Service” and dated September 13, 2004;

(B) the map entitled “Lolo National Forest Boundary Adjustment Northern Region, USDA Forest Service” and dated September 13, 2004; and

(C) the map entitled “Deerlodge National Forest Boundary Adjustment Northern Region USDA Forest Service” and dated September 13, 2004.

(3) SECRETARY.—The term “Secretary” means the Secretary of Agriculture.

#### SEC. 3. HELENA, LOLO, AND BEAVERHEAD-DEERLODGE NATIONAL FORESTS BOUNDARY ADJUSTMENT.

(a) IN GENERAL.—The boundaries of the Forests are modified as depicted on the maps.



(b) MAPS.—

(1) AVAILABILITY.—The maps shall be on file and available for public inspection in—

(A) the Office of the Chief of the Forest Service; and

(B) the Office of the Regional Forester, Missoula, Montana.

(2) CORRECTION AUTHORITY.—The Secretary may make technical corrections to the maps.

(c) ADMINISTRATION.—Any land or interest in land acquired within the boundaries of the Forests for National Forest System purposes shall be managed in accordance with—

(1) the Act of March 1, 1911 (commonly known as the “Weeks Law”) (16 U.S.C. 480 et seq.); and

(2) the laws (including regulations) applicable to the National Forest System.

(d) LAND AND WATER CONSERVATION FUND.—For purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–9), the boundaries of the Forests, as adjusted under subsection (a), shall be considered to be the boundaries of the Forests as of January 1, 1965.

(e) EFFECT.—Nothing in this Act limits the authority of the Secretary to adjust the boundaries of the Forests under section 11 of the Act of March 1, 1911 (16 U.S.C. 521).

#### PURPOSE OF THE MEASURE

The purpose of S. 2408 is to adjust the boundaries of the Helena, Lolo, and Beaverhead-Deerlodge National Forests in the State of Montana.

#### BACKGROUND AND NEED

S. 2408 was introduced to enable a significant Federal land acquisition and exchange proposal in the Blackfoot River Valley to move forward. The project contemplates Federal acquisition and management of nearly 88,000 acres of land in the Blackfoot River watershed, including certain parcels outside the existing National Forest boundaries, to ensure continued public uses of these lands for recreation, hunting, livestock grazing, and watershed protection. The boundary adjustment will facilitate this acquisition, with the ultimate goal of consolidating Federal ownership and improving forest management.

#### LEGISLATIVE HISTORY

S. 2408 was introduced by Senator Burns on May 11, 2004, and the Subcommittee on Public Lands and Forests held a hearing on July 21, 2004.

#### COMMITTEE RECOMMENDATION

The Senate Committee on Energy and Natural Resources, in open business session on September 15, 2004, by a unanimous voice vote, of a quorum present, recommends that the Senate pass S. 511, if amended as described herein.

#### COMMITTEE AMENDMENT

The amendment adopted by the Committee makes technical corrections to map references and map dates within the legislation.

#### SECTION-BY-SECTION ANALYSIS

Section 1 provides the short title.

Section 2 provides definitions.

Section 3 adjusts the boundaries of the Lolo, Helena, and Beaverhead-Deerlodge National Forests in Montana as depicted on the



maps accompanying the bill. Directs that lands acquired by the National Forests within the new boundaries be managed in accordance with the Act of March 1, 1911 (the Weeks law) and the laws applicable to the National Forest System. Directs that the lands added to the forests be considered to be within the boundaries of the National Forests as of January 1, 1965, for the purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. §4601–9). Provides that nothing in the bill limits the authority of the Secretary to adjust the National Forests' boundaries under section 11 of the Act of March 1, 1911 (16 U.S.C. §521).

#### COST AND BUDGETARY CONSIDERATIONS

The following estimate of costs of this measure has been provided by the Congressional Budget Office.

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CBO estimates that implementing S. 2408 would have no significant impact on the federal budget. Enacting the bill would not affect direct spending or revenues. S. 2408 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would have no significant impact on the budgets of state, local, or tribal governments.

S. 2408 would expand the boundaries of three national forests in Montana to include roughly 34,000 acres of federal and nonfederal land. Based on information from the Forest Service, CBO estimates that the proposed expansion would increase the agency's costs to manage those forests by less than \$100,000 a year. Spending for such costs would be subject to the availability of appropriated funds.

The CBO staff contact for this estimate is Megan Carroll. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

#### REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 2408.

The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 2408.

#### EXECUTIVE COMMUNICATIONS

On July 21, 2004, the Committee on Energy and Natural Resources requested legislative reports from the Department of Agriculture and the Office of Management and Budget setting forth executive views on S. 2408. These reports had not been received when this report was filed. When the reports become available, the Chairman will request that they be printed in the Congressional



Record for the advice of the Senate. The testimony provided by the Department of Agriculture at the Subcommittee hearing on S. 2408 follows:

STATEMENT OF MARY REY, NATIONAL FOREST SYSTEM, U.S.  
DEPARTMENT OF AGRICULTURE

Mr. Chairman, thank you for the opportunity to appear before you today to provide the Department's views on S. 2408 to adjust the boundaries of the Helena, Lolo and Beaverhead-Deerlodge National Forests in the State of Montana.

S. 2408 would extend the forest boundary of the Beaverhead-Deerlodge National Forest to include a recent acquisition contiguous to the forest boundary that occurred over a 3-year period from 2001 through 2003. S. 2408 also would extend the forest boundary of both the Lolo and Helena National Forests to provide for future land acquisitions in the Blackfoot River Valley. The Department supports S. 2334.

The bill would realize an estimated net increase of 6,193 acres within the Helena National Forest, 16,121 acres within the Lolo National Forest, and 11,727 acres within the Deerlodge National Forest.

Inclusion of these lands within the boundaries of these three national forests will clarify management of the lands acquired, simplify boundary management, and allow for the use of the Land and Water Conservation fund, outside the existing boundaries, for future acquisitions if land is offered for sale to the United States and if Congress should choose to fund any such purchase. There is substantial local community and county support for these boundary changes.

The Department would like to work with the Committee to make a minor technical change to the name of the map referenced in section 2(2)(C). Although the map is entitled "Blackfoot Community Project Acquisition Proposal Adjustments, Beaverhead-Deerlodge National Forest \* \* \*", the proposed boundary adjustment on the Beaverhead-Deerlodge National Forest is not associated with the proposed Blackfoot Community Project acquisition. Consequently, the name of the map should be entitled "Beaverhead-Deerlodge National Forest Boundary Adjustment."

This concludes my statement, I would be happy to answer any questions that you may have.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the bill S. 2408 as ordered reported.